IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8614 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE D.H.WAGHELA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

G S R T CORP

Versus

AA SHAIKH

Appearance:

MRS VASAVDATTA BHATT for Petitioner

MR GK RATHOD for Respondent No. 1

CORAM : MR.JUSTICE D.H.WAGHELA

Date of decision: 19/09/2000

ORAL JUDGEMENT

#. The petitioner, State Road Transport Corporation, has challenged the order of the Industrial Tribunal Nadiyad, in Ref.(ITN) No.539/98, whereby the punishment imposed upon the respondent is set aside.

#. The Learned Counsel for the petitioner submitted that the respondent, a driver, was charge-sheeted for negligent driving and causing an accident in which a cyclist was killed. In view of the seriousness of the charge, as also the defence of the respondent, the minor punishment of stoppage of 2 increments with permanent effect was imposed. It is submitted that the Industrial Court was not justified in interfering with such order of punishment.

#. It has to be noted that according to the terms of reference itself the dispute referred to the Tribunal was whether the punishment imposed upon the respondent should be set aside or not. Adjudicating upon the said dispute and after taking and considering the evidence, the findings of the departmental inquiry were held to be incorrect. There was no evidence either before the Inquiry Officer or before the Labour Court which proved the charge of negligence on the part of the respondent. Under such circumstances, it was found that no punishment could have been imposed upon the respondent for the alleged act of misconduct. No other reason or ground is canvassed to justify any interference either with the finding of fact or the resultant order. There is no reason to interfere with the impugned award in exercise of powers under Sec.226 or 227 of the Constitution. The petition is, therefore, required to be rejected. Accordingly the rule is discharged with no order as to costs.

kks